

REMARKS

Claims 1-26 are pending. Claims 1, 3, 8 and 22 are amended herein. The Applicant respectfully requests reconsideration of claims 1-26.

Applicant Summary of Examiner Interview

The Examiner, the Applicant and the Applicant's representative Steve Bachmann held an Examiner interview on March 29, 2010. During the interview, the Applicant explained the differences associated with the single support structure as claimed and the systems in the cited art. No agreement on patentability was reached in the Examiner Interview. The Examiner requested that the Applicant's representative present the proposed amendments in a formal response to the *Office Action*. The Applicant's representative thanks the Examiner for the Interview.

Amendments to the Specification

The Applicant has amended the specification by adding new paragraphs to the specification. The new paragraphs are disclosed in provisional patent application no. 60/463,999, an application incorporated by reference in the present application and to which the present application claims a priority benefit under 35 U.S.C. § 120. Each added paragraph correlates to the corresponding provisional patent application as indicated below:

Present Application Par. No.	Provisional Application Par. No.
[0026.1]	[0004]
[0026.2]	[0005]
[0026.3]	[0012]

Because the new paragraphs are supported by the provisional as filed, no new matter is added by the amendments to the Specification.

Rejections under 35 U.S.C. § 102

The Examiner objected to the disclosure under 35 U.S.C. 132 (a) asserting that the

previous amendment to the specification introduced new matter.

The amendment to the Specification made by *Response B* filed on September 10, 2009, was supported by provisional patent application no. 60/463,999 (the '999 application), an application incorporated by reference in the present application and to which the present application claims a priority benefit under 35 U.S.C. § 120, as indicated in *Response B*. In particular, the amendment to the Specification is supported at least in paragraph [0015]. To expedite prosecution, the "automatically" element introduced in *Response B* has been amended to clarify an embodiment of the claimed invention.

For at least these reasons, the rejection is now moot and should be withdrawn.

Rejections under 35 U.S.C. § 102

The Examiner objected to claims 1 and 22 under 35 U.S.C. 112, first paragraph, asserting that the claims fail to comply with the written description requirement. The Applicant respectfully traverses.

As indicated above, the amendment to the Specification made by *Response B* is supported at least in paragraph [0015] of the '999 application. Portions of the revised claims asserted to be unsupported have also been removed.

For at least these reasons, the rejection is now moot and should be withdrawn.

Rejections under 35 U.S.C. § 103 in view of Reeder and Cairnes

The Examiner rejected claims 1-12, 14-20, and 22-26 under 35 U.S.C. § 103(a) as being unpatentable by U.S. patent publication no. 2002/0044059 (*Reeder*) in view of U.S. patent 6,139,494 (*Cairnes*). Because *Reeder* in view of *Cairnes* fails to disclose each and every element recited in the aforementioned rejected claims, the Applicants submit the claims are allowable over the cited art.

Reeder discloses a patient monitoring system that includes a cart or one or more other structures for supporting a medical device. Each cart may be moved around by a care giver while supporting a medical device. (Figures 18, 23) The cart or multiple other structures of *Reeder* are implemented separately than the bed used to support a patient – *Reeder* discloses that the bed and the structure that monitors the patient are two separate devices. (Figure 18,

23). The system of *Reeder* also “permits[s] a caregiver to input instructions into the system” which is not part of the bed and is “a system for monitoring patient information.” *Reeder*, [0014].

Reeder does not disclose the integrated point of care system as recited in claim 1. For example, *Reeder* does not disclose a “**bed structure [...] configured to completely support the patient**, the medical monitoring devices, the medical care devices, and the computing system as a **single mobile unit**” and further wherein the “entire point of care system operating as a **mobile point of care device**” as recited in claim 1. Rather, *Reeder* discloses that a “[p]hysiological monitoring interface 90 includes a **separate housing** having a locking mechanism” for “secur[ing] module 50 to the interface 90.” *Reeder*, [0098]-[0099]; see also Figure 4 and Figure 5. The cart or one or more other “separate” structures of *Reeder* support a medical device and may be used in the vicinity of but separately from a bed.

Reeder’s system also receives and monitors patient information, and does not “interpret the patient information” and “generate . . . decision-making options for health-care personnel” “based on medical logic rules and the patient information,” nor does it “apply virtual medical logic based on patient information and research data to generate decision-making options” as recited in claim 1. The Applicant contends the disclosure of *Reeder* is insufficient in addressing the embodiment recited in claim 1.

Cairnes does not cure the failings of *Reeder* with respect to claim 1. *Cairnes* discloses a communications tele-informatics system for providing integrated and comprehensive outpatient care delivery. (Abstract) A patient is monitored at home by a device, the device is coupled to a PC computer, and the PC computer provides monitoring data over a network health provider computer. (Fig. 1) This distributed network-based system disclosed in *Cairnes* is clearly not a “single mobile unit” which supports a patient, medical care devices, and medical monitoring devices as a “single point of care device” as recited in claim 1. Rather, *Cairnes* discloses outpatient software for managing specific low acuity diseases like diabetes and hypertension. It provides decision-support for nurse co-ordinators and outpatients. *Cairnes* has nothing to do with high-acuity inpatients, with disease diagnosis or control of care-delivering devices (like a ventilator), with transporting a

patient, or with elaborate patient/provider recognition devices. Rather than bringing providers to a patient's bedside, *Cairnes* software is intended to keep them apart-to keep the patient at home. It is unrelated to a patient transporting diagnostics system as claimed.

Cairnes also fails to disclose control of medical care for a patient "provided to the patient while the patient is positioned on the bed structure" as recited in claim 1.

Because *Reeder* and *Cairnes* do not teach every element of claim 1, claim 1 is patentable over *Reeder* in view of *Cairnes*. Rejected claims 2-21 depend from independent claim 1 and thus incorporate the patentably distinguishing features of independent claim 1. Therefore, these claims are allowable for at least the corresponding reasons discussed above with respect to claim 1. Because *Reeder* pertains to devices around a bed and *Cairnes* pertains to outpatient disease specific system, claim 1 is patentable over the cited art.

Claim 22 incorporates patentably distinct elements of claim 1 and should be allowable for at least the same reasons as claim 1. Rejected claims 23-26 depend from independent claim 22 and thus incorporate the patentably distinguishing features of independent claim 22. Therefore, these claims are allowable for at least the corresponding reasons discussed above with respect to claim 22.

Rejections under 35 U.S.C. § 103 in view of Reeder, Cairnes and Bui

The Examiner has rejected claim 13 as being unpatentable over *Reeder* and *Cairnes* in view of U.S. Patent Publication No. 2003/0140928 to Bui et al. (hereinafter *Bui*). Since the combination of *Reeder*, *Cairnes* and *Bui* fails to make obvious each and every element as recited in claim 13, the Applicant asserts that the rejection under 35 U.S.C. § 103 is overcome.

As discussed in the context of the rejection under 35 U.S.C. § 102, *Reeder* in view of *Cairnes* does not disclose each and every element of independent claim 1. *Bui* discloses a system that administers treatment by a medical device and fails to cure the failings of *Reeder* in view of *Cairnes* with respect to claim 1. Therefore, the embodiment in claim 1 is patentable over the combination of *Reeder*, *Cairnes*, and *Bui*. Claim 13 is dependent on claim

1 and should be allowable for at least the same reasons as claim 1 in addition to the patentable elements it recites.

Rejections under 35 U.S.C. § 103 in view of Reeder, Cairnes and Kramer

The Examiner has rejected claim 21 as being unpatentable over *Reeder* and *Cairnes* in view of U.S. Patent Publication No. 2002/0014951 to Kramer et al. (hereinafter *Kramer*). Since the combination of *Reeder*, *Cairnes* and *Kramer* fails to make obvious each and every element as recited in claim 13, the Applicant asserts that the rejection under 35 U.S.C. § 103 should be withdrawn.

As discussed in the context of the rejection under 35 U.S.C. § 102, *Reeder* and *Cairnes* do not disclose each and every element of independent claim 1. *Kramer* discloses a method and apparatus for controlling a hospital bed and does not cure the failings of *Reeder* and *Cairnes* with respect to claim 1. The embodiment in claim 1 is patentable over the combination of *Reeder*, *Cairnes* and *Bui*. Claim 21 is dependent on claim 1 and should be allowable for at least the same reasons as claim 1 in addition to the patentable elements it recites.

CONCLUSION

The Applicant contends that, for at least the foregoing reasons, claims 1-26 of the present application are patentable over *Reeder, Cairnes, Bui, and Kramer*. The Applicant respectfully requests removal of the objections and rejections and the issue of a notice of allowance.

The fee for an extension of time up until the present date is submitted herewith. The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-0600 for any matter in connection with this response, including any fee for extension of time, which may be required.

The Examiner is invited to contact the Applicant's undersigned representative with any questions concerning this matter.

Respectfully submitted,
Baird Mallory

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